

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

*In re: Daniel C. Allen,*  
Attorney at Law, Bar No. 14341

Case No. 2:23-ms-00059-MMD  
ORDER OF SUSPENSION

**I. SUMMARY**

This is an attorney discipline matter. Before the Court is Daniel C. Allen's response to the Court's Order to Show Cause ("OSC") why he should not be suspended from practice before this Court following the Order of Suspension filed by the Nevada Supreme Court ("NSC") on August 17, 2023. (ECF Nos. 1 (OSC), 4 (the "Response").) As further explained below, the Court will suspend Attorney Allen from practice before this Court because this Court has neither the obligation, resources, nor inclination to monitor Attorney Allen's compliance with the probationary conditions the NSC imposed on him. However, Attorney Allen may file a petition for reinstatement once he has fully discharged those conditions and can produce a certificate of good standing from the NSC reflecting the same.

**II. BACKGROUND**

Attorney Allen was suspended by the NSC following his conditional guilty plea to a charge that he violated RPC 1.1 (competence), 1.3 (diligence), and 1.4 (communication). (ECF No. 1 at 4.) He agreed to a one-year suspension, stayed for eighteen months, provided he complies with certain probationary conditions. (*Id.* at 5-6.)

1 That means that the NSC will release Attorney Allen from probation in 2025 assuming he  
2 complies with the conditions imposed on him.

3 This Court issued the OSC as to why Attorney Allen should not be suspended from  
4 practice in this Court on October 24, 2023. (*Id.*) Attorney Allen filed his Response on  
5 November 22, 2023. (ECF No. 4.) In his Response, Attorney Allen argues the Court  
6 should not reciprocally suspend him with an actual suspension because he is still able to  
7 practice in Nevada state court, where he received a stayed suspension, he is complying  
8 with the NSC's probationary conditions, and mitigating factors present in his case favor a  
9 fully reciprocal suspension that would still permit him to practice before this Court. (*Id.* at  
10 2-5.)

### 11 **III. DISCUSSION**

12 This Court imposes reciprocal discipline on a member of its bar when that person  
13 is suspended or otherwise disciplined by a state court unless it determines that the state's  
14 disciplinary adjudication was improper. *See In re Kramer*, 282 F.3d 721, 724 (9th Cir.  
15 2002). Specifically, the Court will only decline to impose reciprocal discipline if the  
16 attorney subject to discipline presents clear and convincing evidence that:

17 (A) the procedure in the other jurisdiction was so lacking in notice or opportunity to  
18 be heard as to constitute a deprivation of due process; (B) there was such an  
19 infirmity of proof establishing the misconduct as to give rise to a clear conviction  
20 that the court should not accept as final the other jurisdiction's conclusion(s) on  
that subject; (C) imposition of like discipline would result in a grave injustice; or (D)  
other substantial reasons justify not accepting the other jurisdiction's  
conclusion(s).

21 LR IA 11-7(e)(3); *see also In re Kramer*, 282 F.3d at 724-25 (stating that the attorney  
22 bears the burden by clear and convincing evidence).

23 The Court will suspend Attorney Allen from practice before this Court because the  
24 NSC's disciplinary adjudication regarding Attorney Allen following his conditional guilty  
25 plea appears to have been proper, and he presents no clear and convincing evidence to  
26 the contrary. Further, and as noted above, while Attorney Allen does appear to be allowed  
27 to practice in the Nevada state courts, he is also subject to probationary conditions that  
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1 this Court has neither the obligation, resources, nor inclination to monitor. (ECF No. 1 at  
2 5-6.)

3 Despite Attorney Allen' valid arguments in his Response, the Court sees no  
4 substantial reasons not to suspend Attorney Allen based on its review of the record. See  
5 LR IA 11-7(e)(3). The Court's practice is to treat stayed suspensions by the NSC as actual  
6 suspensions in this Court, following the NSC's lead in cases where it imposes discipline  
7 instead of creating a parallel monitoring system. The Court does not wish to create an  
8 exception for Attorney Allen in this case. "Admission to practice before the Supreme Court  
9 of Nevada, in good standing, is a continuing condition of admission to the bar of this  
10 court." LR IA 11-1(a)(1). Attorney Allen is not currently in good standing with the NSC.  
11 Thus, he cannot currently satisfy a prerequisite for admission to the bar of this Court.  
12 Moreover, as noted both above and in other, similar orders, the Court has neither the  
13 obligation, resources, nor inclination to monitor compliance with the probationary  
14 conditions the NSC imposed on Attorney Allen. The Court will therefore suspend Attorney  
15 Allen.

16 That said, Attorney Allen is free to petition the Court for reinstatement under LR IA  
17 11-7(i) assuming he is able to successfully complete his term of probation with the NSC.  
18 Any petition for reinstatement should not be filed until Attorney Allen has successfully  
19 discharged each and every probationary condition imposed on him by the NSC, and he  
20 is able to present both a certificate of good standing from the NSC and evidence sufficient  
21 to establish that his practice in the Nevada state courts is fully unencumbered by any  
22 probationary or other conditions stemming from his conditional guilty plea or any other  
23 discipline imposed on him by the NSC, such as a letter from the Nevada State Bar  
24 confirming he successfully discharged his probation.

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**IV. CONCLUSION**

It is therefore ordered that Daniel C. Allen, Bar No. 14341, is hereby suspended from practice in the United States District Court for the District of Nevada.

DATED THIS 30<sup>th</sup> Day of November 2023.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b) and LR 5-1, I hereby certify that I am an employee of the United States District Court, and that on this 1<sup>st</sup> Day of December 2023, I caused to be served a true and correct copy of the foregoing Order of Suspension to the following parties via Certified Mail, Return Receipt Requested, via the United States Postal Service, in a sealed envelope, postage prepaid, to the following address:

Daniel C. Allen  
c/o David A. Clark  
9900 Covington Cross, Ste. 120  
Las Vegas, NV 89144

Certified Mail No.: 7020 3160 0000 7420 4927

/s/ Sharon H.  
Deputy Clerk  
United States District Court,  
District of Nevada